

REMARKS

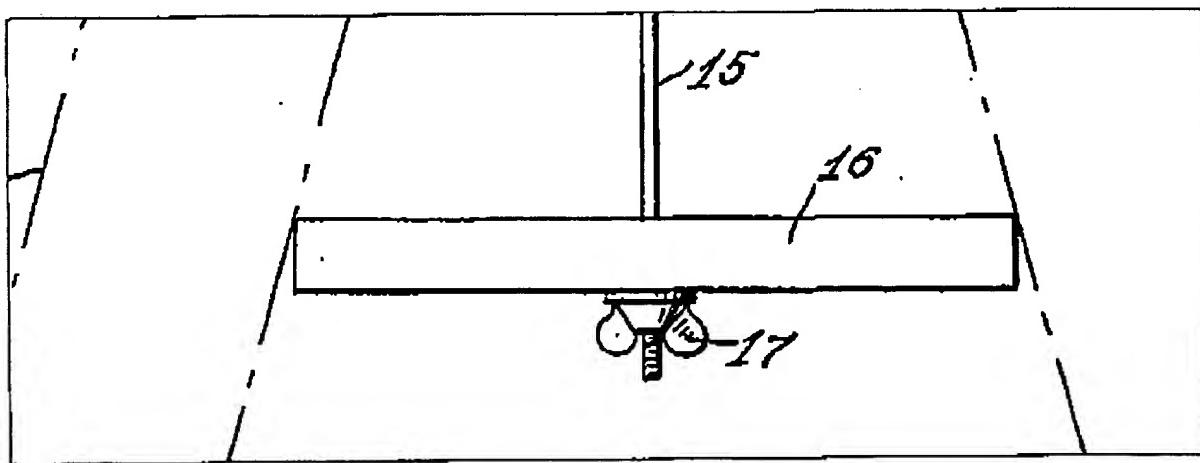
By the subject amendment claim 29 has been amended. Claims 29-40 are presently pending in the subject application. Claim 29 remains the sole independent claim.

In his report, the Examiner has rejected claims 29-40 under 35 U.S.C. 112, second paragraph, as being indefinite. The applicant has amended claim 29 to change the format to more clearly identify the combination claimed. This amendment has been made solely in response to the 35 U.S.C. 112, second paragraph objection. The added words "lumber leg" in line 19 of claim 29 are added for clarity purposes only, in order to conform the description of the outward facing lumber leg guiding surfaces of the U-beam splay bar to its antecedent. Accordingly applicant respectfully submits that claim 29 and dependent claims 30-40 fully comply with 35 U.S.C. 112, second paragraph. It should be noted that the amendment to claim 29 do not narrow the scope of that claim or its dependent claims 30-40.

In his report, the Examiner has rejected claim 29 and dependent claims 30, 37-39 as being unpatentable over Brewster (fig. 4 or 6) [US 2,736,614] and has rejected claim 30 as being unpatentable over Brewster in view of Mitchell [US 4,192,406]. The applicant respectfully disagrees with the Examiner and requests reconsideration based on the following submissions.

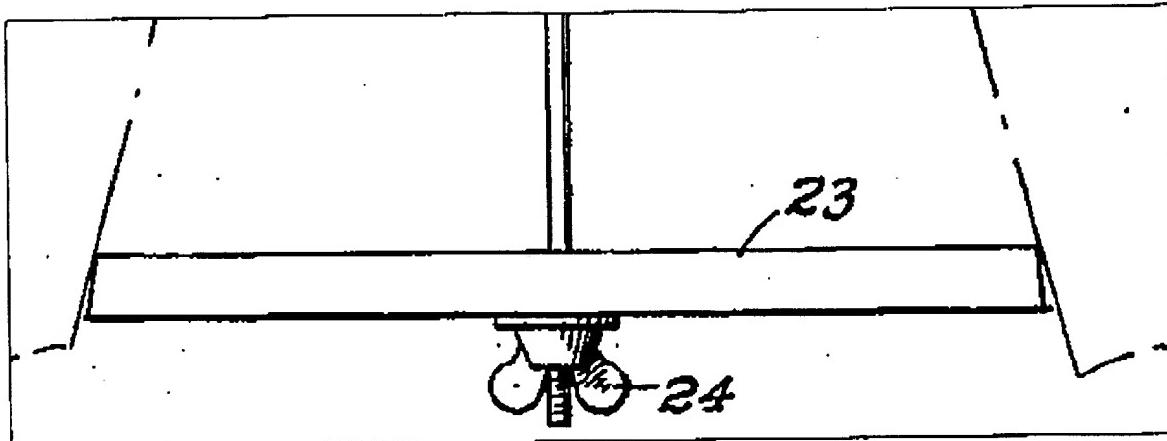
Brewster's lower brace (reference 3 in Figure 2 and reference 16 in Fig 4), is rectangular in shape with ends which are perpendicular to the longitudinal axis of the brace. This results in upper corners having a pointed configuration not in parallel alignment with the legs B and C.

Figure 4 of Brewster:



Similarly, while lower brace 23 depicted in Brewster's Figure 6 is not precisely drawn as a rectangle, it nevertheless is shaped at the ends to provide a relatively sharp upper corner.

Figure 6 of Brewster:



Claim 29 defines the end "outwardly facing lumber leg guiding surfaces" (reference 17 and 18) as being at the same angle as the guiding surfaces (reference 4) of the top joint, as depicted in Figures 3 and 6 of the subject application and as described at page 9, lines 21 and 22 and page 10 lines 1-5:

"The outward facing lumber leg guiding surface 18 is fixed at the same obtuse angle X with respect to the length of the U-beam 15, as the inward facing lumber leg pivot surface 4 of the U-beam top joint with lumber end gripper 54 is with respect to the length of the side U-beam 1 and the side bracket beam 2 is in Figure 3. The other outward facing end bracket 17 is likewise formed and affixed with its outward facing lumber leg guiding surface 48 at a symmetrical obtuse angle Y with respect to the U-beam 15, as shown in Figure 6."

Figure 3 of subject application (U-beam top joint):

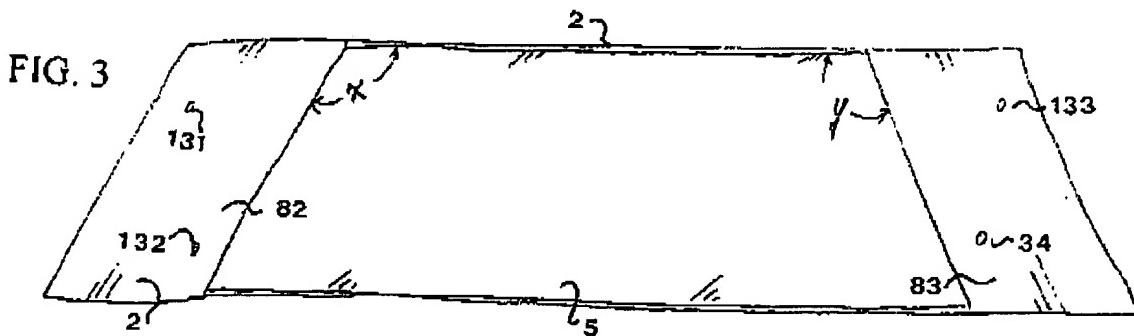
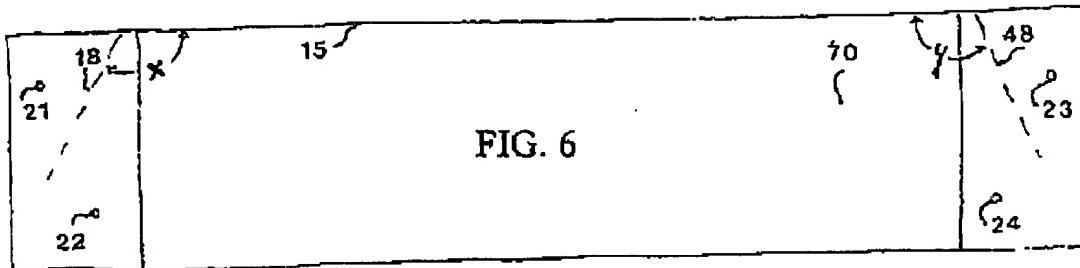


Figure 6 of subject application (U-beam splay bar):



Note in particular reference to angles X and Y in both Figures 3 and 6.

The angling of the guiding surface 18 and 48 in this manner provides a significant advantage over Brewster's brace by solving the problems associated with the top outer corners of Brewster's brace pressing into the lumber when pressure is applied towards the upper member, rather than sliding smoothly toward the upper member, in order to secure the combination together. As a consequence it is possible for the brace of Brewster to become jammed into the legs before the legs are properly secured to the U-beam top joint resulting in an assembled structure that is not adequately secured together. This could result in the collapse of the structure causing damage to equipment supported on the structure in addition to possible personal injury or death.

In addition, Brewster's corners would tend to press into the lumber surface thereby creating grooves in the lumber surface. Those grooves would make it difficult to reuse the lumber again with this combination after the assembly is disassembled. One of the advantages of applicant's combination is its ability to be disassembled after use for storage or transport. It is desirable to use the lumber pieces again when re-assembling the combination.

Applicant's claimed invention describes the outwardly facing lumber leg guiding surfaces of the U-beam splay bar as being positioned "at the predetermined angle" with respect to the longitudinal axis of the connecting member. The predetermined angle is defined as the angle between inward facing lumber leg support surfaces and a first surface of the side u-beam of the U-beam top joint.

Brewster, whether alone or in combination with Mitchell, neither teaches this problem nor the source of the problem. Nor is there any suggestion or motivation in Brewster (alone or in combination with Mitchell) to modify Brewster's structure to provide these matching angled surfaces on the upper and lower members. As a consequence, applicant respectfully submits that the Examiner has not made out a case of *prima facie* obviousness and the citation of Brewster (alone and in combination with Mitchell) and rejection of the claims based on that patent, should be withdrawn. As the other claims all depend directly, or indirectly, on claim 29, they should also be allowable based on the allowance of Claim 29.

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Reconsideration of the subject application, with a view to allowance is solicited.

Respectfully submitted;



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